

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

TIMOTHY SINGLETON,)
)
 PLAINTIFF,)
)
 VS.) CV00-H-127-S
)
 STATE OF ALABAMA,)
)
 DEFENDANT.)

FILED
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U.S. DISTRICT COURT
N.D. OF ALABAMA

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ENTERED

FEB 18 2000

MEMORANDUM OF DECISION

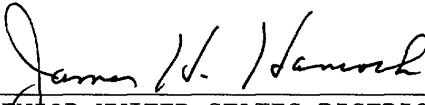
The court has before it the February 15, 2000 motion to dismiss filed by the State of Alabama. The complaint to which the motion is addressed names the State of Alabama as the only defendant¹ in an action under 42 U.S.C. § 1983 to recover \$950,000 compensatory damages for alleged deprivation of rights during and in connection with a civil action in the Circuit Court of Jefferson County, Timothy Singleton vs. Nationwide Mutual Insurance Company, CV97-7859. The motion correctly points out that this court does not have jurisdiction by reason of the Eleventh Amendment to the United States Constitution to entertain

¹ While it is by no means clear, it is possible that plaintiff also intended to name "State Official Scott Vowell" as a defendant. The court will take judicial notice that Circuit Judge J. Scott Vowell was the Jefferson County circuit judge in Case Number 97-7859 and was the person who entered the orders about which the plaintiff complains. Had Judge Vowell been joined as a defendant, he had absolute immunity with regard to the claims that would have been pursued against him.

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this action against the State of Alabama. The motion will be granted and a separate order of dismissal will be entered

DONE this 18th day of February, 2000.



SENIOR UNITED STATES DISTRICT JUDGE